

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Implementation of the Pay Telephone)	CC Docket No. 96-128
Reclassification and Compensation Provisions)	
of the Telecommunications Act of 1996)	

**RBOC PAYPHONE COALITION'S COMMENTS ON
PETITIONS FOR RECONSIDERATION AND CLARIFICATION**

In addition to the Petition for Reconsideration and Clarification filed by the RBOC Payphone Coalition (the "Coalition"),¹ petitions have been filed by APCC, AT&T, and Sprint. The principal relief sought by APCC is clarification that, in any case where a reseller fails to comply with the audit and verification requirements set forth in new section 64.1320, the underlying facilities based IXC remains responsible for paying compensation on any calls passed to such a reseller. This is consistent with the alternative relief sought by the Coalition in its petition, and the Coalition supports the request for the reasons it has already explained. These Comments are limited to additional issues raised by the three petitions.

1. AT&T's Request for Reconsideration of Section 64.1310(a)(4)(i): Section 64.1310(a)(4)(i) requires that each Completing Carrier provide to each PSP "[a] list of the toll-free and access numbers dialed from each of that [PSP's] payphones and the ANI for each payphone." AT&T argues that this provision should be clarified to require reporting only of numbers "completed by the Completing Carrier," as opposed to calls "not completed by the Completing Carrier, but rather forwarded to another carrier, such as a [Switch-Based Reseller

¹ The RBOC Payphone Coalition includes the payphone operations of the Verizon telephone companies and SBC Communications Inc.

(“SBR”)], for completion.” AT&T Pet. at 3. AT&T misunderstands its reporting obligations and no clarification is required.

In circumstances where Carrier A does not complete a call but instead hands the call off to a switch-based reseller for completion, then as to that specific call Carrier A is not the “Completing Carrier” but is instead an “Intermediate Carrier” as defined in 47 C.F.R.

§ 64.1310(b). For such calls, Carrier A must provide the same information, broken down by specific SBR, that it provides for calls that Carrier A completes itself. *See* 47 C.F.R.

§ 64.1310(c). Accordingly, there can be no dispute that carriers are required to report on calls routed to the carrier, whether the calls are completed by the carrier or passed on to a switch-based reseller customer.

To the extent that the Commission’s rules do not now explicitly address the separate question whether a carrier is required to report on calls routed to the carrier that are neither completed by the carrier nor passed on to a switch-based reseller – for example, calls that ring busy or are not answered – the Coalition supports APCC’s request that the Commission require carriers to report on the number of uncompleted call attempts as well as the number of completed calls. *See infra* at 3. Indeed, it is entirely conceivable that for many of the numbers dialed, there will be no completed calls; nonetheless, PSPs must be able to verify that calls attempted from their payphones were received by an IXC, and determine whether the IXC is claiming that they were uncompleted. A PSP needs to be able to account for all calls – both completed and not completed – in order to verify that the tracking systems are working properly.

Accordingly, AT&T’s first request for clarification should be denied.

2. Need for PSP Concurrence for IXCs To Assume SBRs’ Compensation

Obligations: AT&T next requests that the Commission clarify that, to the extent an IXC agrees

to undertake the compensation responsibilities of its SBR customers, PSPs' consent to this arrangement should not be required.

The Coalition believes that the premise underlying AT&T's request – that, where IXC's and SBRs agree that IXC's should pay compensation, such arrangements should be considered presumptively lawful and efficient – is correct. Accordingly, the Coalition does not oppose this clarification, so long as the Commission makes clear that, where an IXC undertakes to pay compensation on behalf of its reseller customers, the IXC is directly responsible for tracking of calls and payment of compensation to the PSP and liable for any failure to comply with the Commission's rules. The Coalition thus does not agree that “any IXC who agrees to accept the tracking and reporting payment requirements on behalf of a SBR would act as its conduit, not its guarantor.” AT&T Pet. at 5 n.3. Where an IXC is paying compensation for calls that the IXC passes on to an SBR customer, the obligation to pay is the IXC's obligation, not the SBR's obligation.

More important, AT&T's request provides strong support for the Coalition's request for clarification. The Commission should make clear that, in situations where an SBR has failed to comply with its audit and certification requirements, either because the SBR has asked the IXC to assume that responsibility, or because the switch-based reseller is unable or unwilling to comply with the tracking requirements, the IXC remains responsible for payment. The arrangements between the IXC and its switch-based reseller customers – including payment on all calls passed to the switch-based reseller's platform – are best left to the market. This, in substance, is the type of arrangement that AT&T is asking to be permitted to establish. Thus, if the Commission granted the Coalition's request for clarification, AT&T's request for relief

would be superfluous, because no SBR would comply with burdensome regulatory requirements if it intended to leave tracking and payment responsibility to the IXC.

3. Sprint's Request for Reconsideration of 64.1310(a)(3): Sprint requests that this rule be modified to provide that any "corporate officer," rather than the "chief financial officer" in particular, be permitted to certify compliance with the Commission's tracking and payment requirements. Sprint Pet. at 1-2. The Coalition has no objection to this request.

4. APCC's Request that Verification Data Be Kept 27 Months: APCC requests that the Commission modify section 64.1310(g) to provide that carriers must maintain verification data for at least 27 months after the close of the quarter. APCC Pet. at 20. Given the applicable statute of limitations, this makes sense, and the Coalition supports this request.

5. APCC's Request that Carriers Report Call Attempts: APCC asks that the Commission amend section 64.1310(a)(4)(ii) to make clear that Completing Carriers must record call detail and report call volumes for calls that were attempted but not completed. APCC Pet. at 21. The Coalition supports this request. As APCC points out, a significant source of dispute may be calls that IXCs treat as "uncompleted." A PSP must be able to determine the volume of uncompleted calls that an IXC is claiming to reconcile its records of the number of calls originated from its payphones with the number of calls received by IXCs. The APCC's request would help to facilitate that result.

6. APCC's Request for Uniform Reporting Format: APCC requests that the Commission make clear that carriers must "adhere to standard industry formats wherever applicable" in reporting tracking information. APCC Pet. at 22. The Coalition supports this request.

7. **APCC's Request for Clarification of Completed Call Definition:** APCC asks for clarification that, when a customer places a call to a carrier or a carrier's platform (for example, to speak to customer service or to check a debit card balance, for example), that the carrier is the called party and since such calls are answered by the called party, they are completed calls. APCC Pet. at 23. That is clearly correct, and the Commission should provide the requested clarification.

Respectfully submitted,



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